



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>



May 31, 2007

Mr. Lester Snow, Director
Department of Water Resources
1416 9th Street, Suite 1105
Sacramento, CA 95814

Re: Delta Smelt Protective Actions

Dear Director Snow:

For the first time this year, we have an indication of direct take of Delta smelt at the State Water Project's Harvey O. Banks pumping plant, John F. Skinner Fish Protection Facility. This has occurred during significantly reduced pumping operations (320 cfs) between May 25 and May 31. Salvaged fish during this time period at the state facilities was an estimated 208 Delta smelt. During the same period, the federal Central Valley Project had take of an estimated 84 Delta smelt while pumping at minimal levels of approximately 850 cfs. Even with these significantly reduced flows, Old and Middle Rivers have negative flows due to tidal effects, San Joaquin flows and other southern Delta diversions. We anticipate continued negative flows through much of June.

The impacts on Delta smelt are in the context of a significantly reduced juvenile population as assessed during our ongoing annual surveys. Collections of Delta smelt juveniles in the estuary are the lowest on record. Further, water temperatures remain at approximately 22 degrees centigrade (71.6 degrees Fahrenheit). For protective purposes, we anticipate that Delta smelt are no longer in the water column when it reaches 25 degrees centigrade (77 degrees Fahrenheit). It is unlikely water temperatures will increase significantly during the next several days.

While these conditions exist, we believe immediate and significant action on your part is warranted. These actions are as follows:

- Cease pumping water at the Harvey O. Banks facility, to the maximum feasible extent consistent with health and safety;
- Maintain agricultural barriers in the south Delta in an open position;

In addition, we ask that you work with your counterparts at the Bureau of Reclamation to accomplish the same goals for the Central Valley Project. The Department of Fish and Game is working closely with the U.S. Fish and Wildlife Service on these issues. In addition we are initiating a public information effort to notify other Delta diverters, including agricultural use, Contra Costa intake facilities and energy diverters.

We recognize that many other factors influence the viability of Delta smelt abundance, specifically toxicity as evidenced through the presence of pyrethroids and organophosphates in the water column as determined through sampling over the past

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several months. We are working with the Regional Water Quality Control Board, Department of Pesticide Regulation and Department of Food and Agriculture to determine the source, impacts and potential remedies for that toxicity.

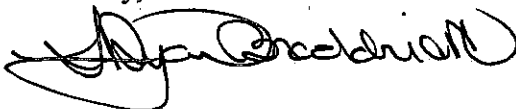
We continue to share the concerns of many Delta observers regarding the impact of invasive species on smelt, and have focused a great deal of energy and effort towards avoiding further invasives, such as quagga mussels, from affecting the Delta and its dependent species.

In addition, the Department of Fish and Game is working with IEP and others to curtail all non-essential sampling and monitoring that has the potential to take Delta smelt. We will continue to monitor the catch and distribution of smelt to better inform future actions.

Over the next year, we ask that DWR initiate actions consistent with the Pelagic Fish Action Plan to develop restoration and food production projects in order to restore Delta smelt populations. Identified projects include providing flows through Yolo Bypass into Cache Slough and the Means Landing Project, which we have previously discussed.

We look forward to our continued close working relationship with the Department of Water Resources and the Resources Agency in working through this crisis for Delta smelt.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Ryan Broddrick", with a stylized flourish at the end.

L. Ryan Broddrick
Director